

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	
)	
Plaintiff(s),)	No. C07-4562 BZ
)	
v.)	ORDER DENYING
)	SUMMARY JUDGMENT
EMMANUEL T. SEGMENT,)	
)	
Defendant(s).)	
_____)	

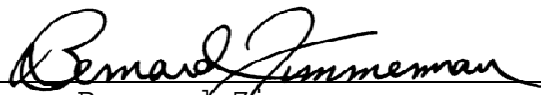
Plaintiff's motion for summary judgment is **DENIED** on the grounds that there are disputed issues of material fact with respect to some of the terms of defendant's debt. The original of the Note has apparently been lost by Sallie Mae the servicing agent for the Note. While plaintiff attempted to cure this problem by introducing a duplicate under Federal Rules of Evidence 1001-1005, the version of the duplicate before the Court is difficult to read, especially with regard to terms such as the amount of interest and the rules of forbearance as to which defendant introduced evidence

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1 which disputes plaintiff's contentions.

2 Dated: June 24, 2009

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4 Bernard Zimmerman
United States Magistrate Judge

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6 G:\BZALL\BZCASES\USA V. SEGMAN\SEGMAN ORDER DENYING SUMMARY JUDGMT.wpd